

**South Lanarkshire College
Students' Association
Constitution**

2016

South Lanarkshire College Students' Association Constitution 2016

Introduction

South Lanarkshire College Students Association Constitution is a legal document that sets out;

1. What the Association can and cannot do
2. How it should operate; and
3. How members can raise their concerns or issues

Legal Context

The Further and Higher Education (Scotland) Act 1992 places a duty on College Boards of Management to ensure that there is a students' association within the college.

The Education Act 1994 further defines what a students' association is and places further duties on the College Board of Management to ensure that the organisation is run in a fair, free and proper manner. The Act takes a 'quality assurance' approach to students' associations, setting out a list of requirements that the association has to fulfil.

In contrast, the Post-16 Education Act takes a quality enhancement approach to students' associations and has created a legal requirement for colleges to have in place 'arrangements for the purpose of seeking to ensure that the interests of the students are represented by a students' association. Colleges are expected to ensure that students' associations are fulfilling their purpose and representing their student body.

This constitution which must be approved by both the Association and the College Board shall take effect from June 2016. It will be subject to review by the Students Representative Council and the College Board of Management, at least every five years, in accordance with the Education Act 1994.

We ('the Association') are a students' association within the meaning of the Education Act 1994. We act as a voice for our members and are devoted to their educational interests and welfare. The College provides us with funds to help us meet our objects as set out below.

1. Objects (Aims)

To advance the education of students at South Lanarkshire College ('the College') for the public benefit by:

- a. promoting the interests and welfare of students at the College during their course of study and representing, supporting and advising students;
- b. being the recognised representative channel between students and the College and any other organisation outside the College; and

c. Providing social, cultural, sporting and recreational activities and forums for discussions and debate for the personal development of our students.

2. Powers

So that we can carry out our objects, we have the power to:

a. provide and promote activities, services and facilities for our members;

b. raise funds and receive grants and donations;

c. trade while we are carrying out any of our objects and carry on any other trade which is not expected to lead to taxable profits; and

d. do anything which is lawful to achieve our objects.

3. Money and Property

3.1 Our money and property must only be used to help us carry out our objects.

3.2 All money and property will be handled according to the finance regulations in the schedules.

4. Members

4.1 Our members are:

a. all students aged 16 and over who are registered at the College and have not opted out of membership of our Association; and

b. our President and Vice-President.

4.2 A member cannot transfer their membership to someone else. Membership will automatically end if:

a. you die;

b. you stop being a student, or in the case of a sabbatical officer, student status with the College is withdrawn in line with the College's processes;

c. you give us written notice that you do not want to be a member, in line with the schedules; or

d. a decision is made to remove you from membership under the Code of Conduct.

4.3 The Executive Committee will set up and monitor a code of conduct that all members must keep to, including when members are involved in activities or at events that are run or organised by the Association.

The code of conduct may include action if you break the code of conduct, including suspending or removing any or all of your rights and privileges of membership (including holding office).

4.4 Members can use the Association's facilities and take part in the Association's educational, social, sporting and cultural activities. Members can speak and vote at our meetings, nominate other members, stand and vote in our elections, and hold office in clubs and societies. Members are also entitled to the benefits set out in the College's Code of Practice.

4.5 Registered students of the College under the age of 16 shall not be members of our Association, but may take part in certain activities, as agreed by the Student Council and any forum for students under the age of 16 and approved by the Student Council.

5. Referendums

5.1 A referendum, in which all members will be allowed to vote, may be called on any issue by:

- a.** a majority vote of at least two thirds of the Student Council; or
- b.** the President if he or she receives a petition setting out the issue and the name, course, Student ID number and signature of at least 150 members.

5.2 Policy set by a referendum can overturn policy set by the members at the AGM or by the Student Council.

5.3 We will hold referendums in line with the schedules.

6. Annual General Meeting (AGM)

6.1 The Association will hold an AGM once in each calendar year.

6.2 The Association will give members at least 14 days' notice of the place, day and time of the meeting and details of the agenda.

6.3 There must be at least 15 members present at an AGM for the meeting to be quorate.

6.4 The chairperson of the Student Council will chair the meeting. If this is not possible, the members at the meeting will elect a member to act as chairperson.

6.5 Every member will have one vote and decisions will be made on a simple majority unless this constitution says otherwise.

6.6 An AGM will be run according to the rules set out in the schedules.

7. Elections

7.1 In line with the Education Act 1994, all office holders and major-union office holders will be elected by a secret ballot of our members.

7.2 The President and Vice President officers will be the ‘major union office holders’ for the purposes of section 22 of the Education Act 1994 and will enter into a contract of employment with us or the College. The term of office, duties and method of payment will be set out in the schedules.

7.3 All office and major-union office holders will be elected in line with the election regulations set out in the schedules.

7.4 Elections will take place on an annual basis. If positions remain vacant, by-elections will be called in line with the rules set out in the election regulation schedule.

7.5 All office and major-union office holder’s terms of office will last one year.

7.6 No member can hold one, or a combination of, major-union offices for more than two years.

7.7 The President will be appointed by the Executive Committee as the Student Governor on the South Lanarkshire College Board of Management. They will be a full voting member of the Board.

7.8 In line with the Post 16 Act, there will be a second student member of the College Board who will be appointed by the Students Association.

8. The Executive Committee

8.1 The Executive Committee will include the major-union office holders and non-major union office holders. They will be elected in line with clause 7 and the schedules. There will never be more than 10 members of the Executive Committee at any one time.

8.2 The Executive Committee will run the association on a day-to-day basis in line with this constitution and its schedules, any relevant legislation and any decisions the members make at an AGM or referendum, or decisions made by the Student Council.

8.3 The Executive Committee will meet in line with the schedules.

8.4 Executive Officers will no longer be officers if:

- a.** They resign by giving notice to the committee they sit on;
- b.** They fail to go to two committee meetings in a row without sending apologies; or
- c.** A motion of no confidence in the officer is passed by a 66% majority in a vote of the Student Council.

Because holding office is a privilege of membership, executive officers can also have the office removed under the College code of conduct.

9. The Student Council

9.1 The Student Council is responsible for:

- (a) helping the Executive Committee carry out their work and holding them to account;
- (b) setting our policy, which can be overturned at an AGM or by referendum;
- (c) making and amending the schedules in line with clause 14; and
- (d) acting as a consultation forum for raising matters with South Lanarkshire College.

9.2 The membership and procedures of the Student Council will be set out in the schedules.

10. Affiliation to external organisations

10.1 Any proposal to affiliate to another organisation must be approved by the members at an AGM or by a referendum.

10.2 We will inform the College about all new links to other organisations, including the name of the organisation and the fee to be paid.

10.3 We will include details of all links to other organisations, including the names of the organisations and each fee paid, in our annual report. Our annual report is available to all our members and to the College.

10.4 If our members want to object to a current link to any particular organisation, they must present a petition, signed by at least 150 members, to the President. We will call a referendum on the issue and hold it in line with the schedules. We cannot hold another referendum about the same matter in the same academic year.

11. Clubs and societies

Clubs and societies may be recognised by the Student Council, as relevant, as long as they meet the requirements set out in the schedules and are in line with the Associations' objects.

12. Complaints procedure

If we receive any complaints about an individual officer, or any member of the Student Council, we will deal with these under the complaints procedure set out in the schedules.

13. Finance and Accounts

13.1 In order to allow the Association to carry out its objects, appropriate and sustainable funding will be determined following agreement of the Association's budget by the Board of Management of the College.

13.2 The Association will maintain adequate accounting records and have annual accounts prepared by an accountant employed by the College who is a member of any of the major accountancy bodies in the United Kingdom (CCAB – (Consultative Committee of

Accountancy Bodies). The annual accounts will be signed off by 2 major-union office holders who will be required to state that the accounts are a complete and accurate representation of the financial transactions of the Association for the year.

14. Schedules

The Student Council will jointly make or amend schedules relating to how the Association is run, as long as these schedules are consistent with this constitution.

15. Minutes

The Association will keep minutes of every meeting and all resolutions of the members.

16. Winding up

If we are wound up, any money or property remaining after all our debts have been paid will belong to and be held by South Lanarkshire College in trust for the purposes of a students' association that represents the students of South Lanarkshire College which will be set up as soon as is reasonably practicable.

17. Amendments to the constitution

17.1 The Executive Committee of the Association and Board of Management of the College will review this constitution, at least every five years from the date of approval of this constitution.

17.2 The constitution can only be amended by a resolution passed at a Student Council meeting by at least two thirds of those present and entitled to vote, as long as the College Board approves the amendments.

18. Interpretation

18.1 If anyone challenges any part of this constitution, we will ask our President to make a decision.

18.2 If the President's decision is challenged, we will ask the Student Council to make a decision.

18.3 If a member of our Association is not satisfied with this decision, they may appeal to the College Clerk, whose decision will be final.

This constitution was approved on behalf of South Lanarkshire College by 2 members of the Board of Management, _____ and _____ on the 6 December 2016.

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